

**In the United States Patent and Trademark Office  
on Appeal from the Examiner to the Board  
of Patent Appeals and Interferences**

In re Application of:      Anders Vinberg  
Serial No.:                09/982,301  
Date Filed:                17 October 2001  
Group Art Unit:            2154  
Confirmation No.:        8005  
Examiner:                 Ashokkumar B. Patel  
Title:                      *Method and Apparatus for Selectively Displaying Layered  
Network Diagrams*

**Mail Stop: Appeal Brief - Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**Response to Notification of Noncompliant Appeal Brief**

Appellant has appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed 25 July 2005, finally rejecting Claims 1-23, which are all pending in this case. Appellant filed 3 November 2005 a Notice of Appeal. Appellant filed 28 February 2006 an Appeal Brief. The Examiner mailed 8 March 2007 a Notification of Noncompliant Appeal Brief. In the Notification, the Examiner asserts that the Appeal Brief does not comply with 37 C.F.R. § 41.37(c)(1)(v). The Examiner further asserts that the a related proceedings appendix is missing.

In response to the Notification, to expedite this Appeal, Appellants provide the attached Replacement Summary of Claimed Subject Matter. *See* M.P.E.P. ch. 1205.03 (Rev. 3, August 2005).

Appellant has not provided a related proceedings appendix. The M.P.E.P. states, “The Examiner should not require a corrected brief for minor noncompliance in an appeal brief.” *Id.* “If the evidence appendix and related proceedings appendix are missing, but the record is clear that there is no evidence submitted and no related proceedings listed in the related appeals and interferences section, the examiner may accept the brief and state in the examiner’s answer that it is assumed that the appellant meant to include both appendixes with a statement of ‘NONE.’” *Id.* The Related Appeals and Interferences section of the Appeal Brief filed 28 February 2006 states, “No known appeals, interferences, or judicial proceedings are related to or will directly affect or have a bearing on the Board’s decision on this appeal. The Board’s decision on this Appeal will not affect any known appeals, interferences, or judicial proceedings.” Accordingly, Appellants have not provided a related proceedings appendix. The Appeal Brief filed 28 February 2006 includes an evidence appendix.

**Conclusion**

Appellant respectfully requests the Board of Patent Appeals and Interferences to reverse the Examiner's final rejection of the pending claims and instruct the Examiner to issue a notice of allowance of all pending claims.

The Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Appellants

A handwritten signature in black ink, appearing to read 'T. W. Thomas', with a stylized flourish at the end.

Travis W. Thomas  
Reg. No. 48,667

Date: 9 April 2007

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**Replacement Summary of Claimed Subject Matter**

The disclosed system is in the field of managing networked computer systems that are used in various aspects of a complex business organization that can be monitored by computer technology. (Page 2, Lines 18-20). More particularly, the disclosed system concerns a method and apparatus for network analysis by selectively displaying layered network diagrams to show the state of one or more links, connections or hardware/software relationships that may exist between components of a network. (Page 2, Lines 20-23).

Figure 2A illustrates a typical network topology user display 200 showing the representation of a server 202 and a workstation 204 depicted visually as icons and stored as objects within repository 102. (Page 5, Lines 15-17). A link 206 connects server 202 and workstation 204 indicating at least one physical or logical relationship between the server and the workstation. (Page 5, Lines 17-19). Given the depiction of a single link 206 between the server 202 and the workstation 204, and the number of ways that server 202 and workstation 204 could be related, link 206 fails to provide meaningful information. (Page 5, Lines 19-21).

Figure 2B illustrates a preferred network topology user display 208 showing a more detailed connection between server 202 and workstation 204. (Page 5, Lines 22-23). User display 208 selectively depicts the network topology represented in repository 102. (Page 5, Lines 23-24). Display 208 provides additional information relating to the link between server 202 and workstation 204. (Page 5, Lines 24-25). Display 208 selectively presents the network topology according to a particular level of abstraction. (Page 5, Lines 26-27). In the case of display 208, individual links 210, 212 and 214 are depicted which represent the levels of an industry-standard "stack" representation of the network such as an Open System Interconnection ("OSI") stack, specifically the network 210, transport 212, and application 214 layers are depicted. (Page 5, Lines 27-30).

The network layer represents the services in the OSI protocol stack that provide internetworking for a communications session. (Page 6, Lines 1-2). The transport layer represents the services in the OSI protocol stack that provide end-to-end management of the communications session. (Page 6, Lines 2-3). The Application layer represents the software in the OSI protocol stack that provides the starting point of the communications session. (Page 6, Lines 3-5). Displaying separate links for specific layers of a stack enables the user

to more accurately determine the state of the relationship between any two network nodes. (Page 6, Lines 5-7).

Figure 2C illustrates an alternate network topology user display 210 showing a more detailed connection between server 202 and workstation 204 according to a different level of abstraction. (Page 6, Lines 8-10). User display 210 selectively depicts the network topology represented in repository 102 by displaying individual links 218, 220 and 222. (Page 6, Lines 10-11). In this alternative embodiment, the individual links 218, 220 and 222 represent the specific protocols running on the various levels of the “stack” representation of the network, namely Internet Protocol (“IP”), Transmission Control Protocol (“TCP”) and File Transfer Protocol (“FTP”), respectively. (Page 6, Lines 11-14).

Figure 2D illustrates another alternate network topology user display 224 showing a detailed connection between server 202 and workstation 204 according to yet a different level of abstraction. (Page 6, Lines 15-17). User display 224 selectively depicts the network topology represented in repository 102 by displaying individual links 226 and 218. (Page 6, Lines 17-18). In this alternative embodiment, the individual links 226 and 218 represent the different types of specific protocols running on a particular layer. (Page 6, Lines 18-20). Links 226 and 218 represent Hypertext Transfer Protocol (“HTTP”) and FTP, respectively, both of which run in the application layer. (Page 6, Lines 20-21).

For the convenience of the Board, Appellants provide the following mappings of the claims here on appeal. Appellants do not necessarily identify all portions of the Specification and Drawings relevant to the recited elements of the claims. Appellants provide the following mapping not to limit the scope of the claims, but to help the Board make a decision on this Appeal:

Independent Claim 1 recites the following:

A method for analyzing links between components of a computer system, comprising:  
receiving input associated with a level of abstraction; (e.g.: Figures 2B-2D and 3; Page 5, Lines 22-30; Page 6, Lines 1-21)  
determining the level of abstraction based on the input; (e.g.: Figure 3; Page 7, Lines 15-19)  
filtering network links for display based on the level of abstraction; (e.g.: Figure 4; Page 5, Lines 26-27; Page 7, Line 20, through Page 8, Line 6)  
and

displaying the filtered network links to present a layered network diagram. (e.g.: Figures 2B-2D; Page 5, Lines 22-30; Page 6, Lines 1-21;)

Independent Claims 18, 20, and 22 are similar to independent Claim 1.

Independent Claim 10 recites the following:

A method for network analysis by presenting a layered network diagram on a visualization workstation, comprising:  
storing in an object repository, at least one object representing a link between components of a network; (e.g.: Figure 1; Page 4, Line 26, through Page 5, Line 9)  
receiving a request to present the network topology represented by the at least one object in the object repository; (e.g.: Figure 5; Page 8, Lines 7-22)  
receiving input associated with a level of abstraction; (e.g.: Figures 2B-2D and 3; Page 5, Lines 22-30; Page 6, Lines 1-21)  
determining the level of abstraction based on the input; (e.g.: Figure 3; Page 7, Lines 15-19)  
filtering the at least one object based on the level of abstraction; (e.g.: Figure 4; Page 5, Lines 26-27; Page 7, Line 20, through Page 8, Line 6) and  
displaying the at least one filtered object to present a layered network diagram. (e.g.: Figures 2B-2D; Page 5, Lines 22-30; Page 6, Lines 1-21;)

Independent Claims 18, 20, and 22 are similar to independent Claim 10.